

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2019 FEB 14 PM 3:01

CLERK 
SO. DIST. OF GA.

WILLIE SAM BIVINS,

Plaintiff,

v.

CV 318-086

ANTONIO CARSWELL, Warden;
LAKISHA FRANKLIN, Deputy Warden;
DEPUTY WARDEN GIVEN; OFFICER
JOHN DOE, Unit Manager/Deputy Warden;
OFFICER NORRIS; MRS. BRAG, GDC
Chief Counsel; MR. WILKERSON, Library
Supervisor; and MRS. FRAZIER, GDC ADA
Coordinator,

Defendants.

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed, (doc. nos. 9, 14, 15).¹ Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DENIES** Plaintiff's request to proceed *in forma pauperis* and motion to appoint counsel, (doc. nos. 2, 4), and **DISMISSES** this action without prejudice. If Plaintiff wishes to proceed with the claims raised in this lawsuit, he must initiate a new lawsuit, which

¹Plaintiff's objections were also docketed as a "Motion to Correct" the Magistrate Judge's R&R. (Doc. no. 13.) Because the Court has considered Plaintiff's filing as objections to the R&R, Plaintiff's "motion" is **MOOT**. (*Id.*)

would require submission of a new complaint. See Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002).

SO ORDERED this 14th day of February, 2019, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE